

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA

ATLANTA DIVISION

UNITED STATES OF AMERICA)
)
)
vs.) CRIMINAL ACTION
) NO. 1:21-CR-310-SDG-LTW
DAWUAN WILLIAMS)

MOTION TO SUPPRESS STATEMENTS

COMES NOW the Defendant, DAWUAN WILLIAMS, by and through his undersigned counsel, and files this motion to suppress statements. In support of this motion, Mr. Williams states the following.

On July 22, 2021 ATF agents arrested Mr. Williams on a federal criminal complaint that charged him with several offenses: possessing a firearm as a prohibited person in violation of 18 U.S.C. § 922(g)(1); making a false or fictitious statement to a licensed firearms dealer in violation of 18 U.S.C. § 922(a)(6); furnishing and exhibiting a false, fictitious or misrepresented identification to a federally licensed firearms dealer with respect to the sale or disposition of a firearm in violation of 18 U.S.C. § 922(a)(6); and transferring, possessing, or using without lawful authority the identification of another person during and in relation to a violation of 18 U.S.C. § 922(a)(6) in violation of 18 U.S.C. § 1028A.

The arrest occurred at a rooming house where Mr. Williams lived. After arresting Mr. Williams, ATF agents questioned Mr. Williams while he was inside the residence. The Government has provided in discovery a recording of the interrogation. An agent read Miranda warnings to Mr. Williams at the beginning of the recording.

In order to use at trial any statements that Mr. Williams made to the agents, the Government must prove both compliance with Miranda and that the statements were made voluntarily. . Miranda v. Arizona, 384 U.S. 436, 468-469 (1966); Jackson v Denno, 378 U.S. 368, 376-377 (1984). Prior to the admission of statements attributed to Mr. Williams at trial, Mr. Williams asks the Court to hold a hearing to address whether those statements were voluntarily made and whether the Government obtained the statements in violation of Mr. Williams's Miranda rights. Mr. Williams also moves to suppress any evidence obtained as fruit of any statements unlawfully elicited from him. See Wong Sun v. United States, 371 U.S. 471, 83 S.Ct. 407, 9 L.Ed. 2d 441 (1963).

WHEREFORE, Mr. Williams respectfully requests that this motion be granted.

Dated: This 23rd day of September, 2021.

Respectfully submitted,

s/ Kendal D. Silas
KENDAL D. SILAS
State Bar of Georgia No. 645959
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing motion was electronically filed this day with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to the following:

Theodore Hertzberg, Esq.
Assistant United States Attorney
Northern District of Georgia
Federal Courthouse, Ste. 600
75 Ted Turner Drive, S.W.
Atlanta, GA 30303

Dated: This 23rd day of September, 2021.

s/ *Kendal D. Silas*
KENDAL D. SILAS, Esq.
Attorney for DAWUAN WILLIAMS